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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/801,351

03/07/2001

Calvin D. Ostler

5038.1 P

4906

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09/12/2006

EXAMINER

DLA PIPER RUDNICK GRAY CARY US, LLP  
4365 EXECUTIVE DRIVE  
SUITE 1100  
SAN DIEGO, CA 92121-2133

ART UNIT

PAPER NUMBER

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

***Non-Responsive Amendment***

The amendment filed on July 25, 2006 canceling all claims drawn to an invention elected by original presentation and presenting only claims drawn to a non-elected<sup>9</sup> invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the originally claimed invention was drawn to a light emitting diode dental curing light source for curing dental composite materials, which is classified in dentistry 433/29. The new claims are directed to an apparatus configured as a light emitting diode light source and method of making, which is classified in illumination, class 362/612. These inventions are related as combination, subcombination, where the subcombination can be used with other illumination devices, such as, flashlights, while the combination does not require the use of a second substrate as the subcombination. As such, and in view of their different classification, these inventions are distinct and properly restricted. Because applicant has elected the dental curing light source by original presentation, canceling all of the elected claims, and leaving only claims directed to a non-elected invention is non-responsive.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Wilson whose telephone number is 571-272-4722. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez, can be reached at 571-272-4964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**John J. Wilson  
Primary Examiner  
Art Unit 3732**

jjw  
September 1, 2006